

1887-046
Lee Co.

Chancery Causes: Mary Robinson vs. Adm. of A. R. Surgenner &c

Orr, Weston, Jayne

CA-Debt
T-Property

-Deed

To The Honorable John A. Kelly
Judge of the Circuit Court of
Lee County Virginia.

The bill of Complaint of
Mary Robinson, who would re-
spectfully represent, that heretofore
to wit on the 11th day of October
1883, your Complainant and her
son Wm H. Robinson, sold to one
A. R. Surgenner three certain tracts
or parcels of land situated in said
County, and properly described in
their deed to said Surgenner, dated
March 10th 1884, for its price therein
mentioned. A copy of said deed
will be found filed herewith
as part hereof marked "A". By
an inspection of which it will
be seen a lien was and is retained
therein to secure \$400, part of said
purchase price. On said first
named date herein, Oct 11th 1883, said
Surgenner, executed to your Com-
plainant his bond for said four
hundred dollars balance of purchase
money aforesaid, which bears date
on that day and is made payable
on or before the first day of
March 1885. This bond will also

be found herewith filed as part
hereof marked "B" and is prayed to
be considered herewith. By an inspec-
tion of which it will be seen
upon its face, to be stated it is
for this same purchase money, and
also therein agreed to be a lien upon
said land. No part of this bond
has ever been paid your Complai-
ant, but the same remains wholly
due to her.

Since said sale and conveyance afore-
said, and the execution of said Bond
viz: on the day of 1885. The
said A. R. Surgenner departed this
life intestate; and James W. Orr has
qualified and is now the administrator
of said estate. Said Surgenner left
at the time of his death, and at the
present the following children his
heirs at law viz: James Surgenner
Stephen S. Surgenner, Jr. (Piz) Mellicum
Weston, and Susan Weston (formerly
Surgenner), his wife, James H. Jayne and
Sarah Jayne (formerly Surgenner), his
wife, and he the said A. R. Surgenner
also left a widow Nancy Surgenner.
At the time said Surgenner died he

left an other living son John Surgenor who only survived his father one or two days and died, intestate and childless leaving his interest in said lands to pass in due course of descent in equal proportions to the other children of said A. R. Surgenor, and their mother the said Nancy in equal proportions. The said John left also a widow, but your complainant is advised she has no right of dower or otherwise in said land as against your complainant -

Your complainant is advised that her said Bond before mention is a superior and paramount lien upon said land, unaffected by the descent cast as aforesaid; and that a court of equity will enforce the same by a sale of so much of said land as may be necessary to pay the same.

To enforce said lien upon said land, and sell so much thereof as may be found necessary to pay the same, is the object of this bill.

The prayer of your complainant therefore is that James W. Orr administrator of the estate of A. R. Surgenor deceased, James Surgenor Stephen S. Surgenor Jr. (Pig) Nancy Surgenor

\$ 8.38
 3 4.00
 6 75-
 15.00
 \$ 28.12

P.
 Mary Robinson

Bill Chy.

James W. Orr admr
 et al

1886 Feb Bill filed Sp. 2nd
 & Decree nisi

" March Decree nisi Conf'd
 & Cause set for hearing

" Mr. Lewis continued
 " Aug. & Court. Continued

1887 Mr. & Court. Continued
 " Sept. Decree

Final

William Weston and Susan Weston his wife
 James H. Jayne and Sarah Jayne his wife
 be made parties defendants to this bill
 and answer its allegations upon oath
 and upon a hearing said lien be en-
 forced and so much of said land be
 sold as may be necessary to pay the
 same. And for all other further and
 general relief. May supra issue &c.
 J. L. Prodemore
 for Plff.

To the Honorable John S. Kelly
Judge of the Circuit Court in Chancery

The Separate answer of James
W. our administrator of the estate
of A.R. Sargenter deceased to a
^{Bill of Complaint} exhibited against him and
others in your Honor's Court, to
enforce the payment of a certain
bond therein specified as due
her for part of the purchase price
of certain lands lying and being
in the county, on which she alleges
there is a vendor's lien.

Your respondent has no
personal knowledge of the trans-
actions between the said Robinson
and his ^{intestate} ~~deceased~~, by which the bond
here sued on was made to the
said Robinson, but supposes the matter
correct, and the money is due her.
Respondent will state however that
there is a general creditors bill
now filed in your Honor's Court
for the purpose of convening all
the creditors of his ^{intestate} ~~deceased~~, and
marshalling the assets both real
and personal, and ascertaining

The liens on his real estate, their character, magnitude and priorities with a view to a speedy and economical settlement and extinguishment of the liabilities of his ~~deceased~~^{intestate}, and no decree should be rendered against him in this cause, but that the same should be consolidated ~~with~~ heard with the general creditors bill filed in this court by Wm. E. Burns Executor of W. H. Burns deceased against Respondent and others. Respondent's intestate was and is largely indebted, perhaps about \$12000 ⁰⁰ His Realty and personalty will not amount to much more than that sum, and the greatest economy must be practiced in order to pay intestate debts and expenses of administration.

Respondent therefore, deems it proper and advisable to ascertain all liabilities and assets, to whom due and in whose hands before any of his intestate lands are sold.

Having now answered he says
to be dismissed &c.

J. M. Nicholson
for

admir.

Trujillo

Leaving to wit.

This day personally appeared
James W. Orr and made oath
before me the undersigned, that
the matters and things stated in
the foregoing answer are, as he
sincerely believes true, Given under
my hand March 30th 1886.
J. A. Hyatt C. C.

James W. Orr admr &c.

ans { answer

Mary Robinson

Mary Robinson - - - - - Pff
against. } Inchy
James W. Orr, admoe et al. def.

This cause came on this day to be heard upon the bill of the pff and exhibits filed and answer of defendants and replication thereto, and was argued by Counsel, on consideration whereof and for reasons appearing to the Court; It is adjudged ordered & decreed that the pff recover from James W. Orr administrator of the estate of A.R. Surgenor deceased the sum of four hundred dollars and legal interest thereon from the first day of March 1885; and the Costs of this suit to be taxed by the Clerk; and it is further adjudged that the same is a lien upon the land in the bill and exhibit, "A" mentioned. And unless paid by said or some one for him, then sale shall be made of so much of said land as may be found necessary to pay the same within 30 days from the signing of this decree. But it is further ordered that the whole tract of land mentioned in the bill and exhibit, shall ultimately have to be sold for a sale for purposes, will proceed to sell so much of said land as will pay the same.

~~Costs of suit & sale~~ Now it appearing
from the answer of the defendants that
the whole of said tract of land will
ultimately have to be sold. By the Consent
of parties - It is adjudged ordered
& decreed, that unless said Orr or some
one for him shall pay the same within
20 days from the rising of this Court
then A. L. Pickens who is ^{hereby} appointed
a special Com for the purpose will
proceed to sell the whole of said tract
on a credit of
~~cost~~ so much as will be ^{necessary} ~~required~~ to
pay costs of suit & sale will be
required to be paid down. He will sell
on some Court day in front of the Court
House door. He will take bonds payable
to himself as Comr. bearing interest from
date with good personal security. But
before proceeding ^{act-} ~~sell~~ he will execute
Bond in a penalty of \$ Conditions
as the law requires, and then advertise for
at least 30 days said sale on the
front door of the Court House and in
the neighborhood where the land lies
setting out time terms & place of sale
He will report his action to this Court
at some future term & the cause is con-
tinued -

Mary Robinson
of Decatur

James W. Braden

This Deed made this the 10th day of March 1887. by and between Mr Robinson & Mary Robinson of the one part, and A. R. Surgenor of the other part, all of Lee County Virginia, Witnesseth, that for and in consideration of the sum of One thousand and eight hundred dollars, fourteen hundred dollars part thereof, in hand paid the receipt of which is hereby acknowledged, and four hundred dollars the residue evidenced by note, the said Mr Robinson & Mary Robinson do hereby grant and convey with Covenants of General warranty, unto the said A. R. Surgenor, three certain tracts or parcels of land lying and being in Lee County Virginia on Powell's River west of Jonesville containing 100 acres more or less. One tract containing thirty acres and being the tract held by the said Mary Robinson as dower in the land of her husband C. N. Robinson deceased, another being a tract or parcel of land woodland lying on Yellow branch above said A. R. Surgenor's residence, and also held by said Mary Robinson

as dower, and the other tract or
parcel being the interest or shares
purchased by said Mr Robinson in
the share of Isaac Debush's heirs in
the land of Paulser Debush died, and
which was assigned to said Isaac De-
bush's heirs in the partition of said
Paulser Debush's land as lot no. 10.
to have and to hold the said tracts or
parcels of land together with the
appurtenances thereunto belonging,
unto the said J. R. Surgener, and
his heirs forever, and a lien is hereby
retained on said land for the said
\$40000 of unpaid purchase money.
Witness the following signatures and
seals,

Mr Robinson Seal
Mary Robinson Seal
per

State of Virginia.
County of Lee } ss

I, William H. Speak a Notary
Public in and for the county and
State aforesaid, do certify that Mr
Robinson & Mary Robinson whose
names are signed to the foregoing
deed bearing date on the 10th day

of March 1884, this day personally
appeared before me in my county
and acknowledged the said deed
to be their act and deed for the
purposes therein mentioned, Given
under my hand and seal this 12th
day of March 1884.

William H. Speak, Notary Public for
Virginia Lee County Court Clerk's Office
the 20th day of March 1884.

The foregoing deed bearing date March
18th 1884, between Mrs Robinson & Mary
Robinson of the one part, and A. R. Sur-
gener, of the other part, all of Lee
County Va was this day filed in
this office and admitted to record upon
the certificate of Wm H. Speak a Notary
Public for Lee County Virginia.

Teste John R. Gibson Clerk.
A Copy of the Record.
Teste John R. Gibson Clerk.

A. R. Sargenev
From ³ Copy of Deed
Wm Robinson & al

Deed Book
No 20 P. 434

"A"

See 75² for copy

\$400⁰⁰


On or before the first day
of March 1885 I bind myself heirs
OC to pay to Mrs Mary Robinson the
sum of Four Hundred Dollars it
being for Balance of Purchase money
for the Robinson Land and this
note is intended to remain a lien
on said Robinson Land untill paid
Witness my hand and seal this
the 15 day of October 188³

Witness

Myrle Steenley

A. R. Surgenor (Seal)

Mary Robinson

From  Note \$400.

A. R. Surgenor.

"B."

THE COMMONWEALTH OF VIRGINIA,

To The Sheriff Of Lee County Greeting :

We Command You to Summon

James. W. Orr. Administrator
of the Estate of *J. R. Surgenor* deceased, *James² Surgenor*
Stephen³ S. Surgenor Jr. (Pig) *Nancy⁴ Surgenor*, *William⁵ Weston*
and *Susan Weston* his wife, *James H. Jayne* and
Sarah⁶ Jayne his wife

To appear at the Clerk's Office of the Circuit Court of Lee County, at the Courthouse on the first Monday in

February next being rule day to answer a bill in chancery exhibited in our said Court against *them*

by *Mary Robinson*

And have then there this writ. Witness J. A. G. HYATT Clerk of our said Court at the Courthouse

This *23rd* day of *January* 188*6*, in the *10* year of the Commonwealth.

J. A. G. Hyatt Clerk.

CP

Mary Robinson
vs Spain Chy
James W. Orr Amicus

To February Rules 1886.

Executed by delivering
office copies of this
Shd to each of the
Defendants Jan'y
27th 1886.

J. H. Ewing Deputy
for R. D. Flanary S. C. C.

Sherriff \$4.00
copies C. \$1.00

Jan 27